IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 288 OF 2006

1. Shri Kishor Anant Purandare,
2. Shri Omkar Kishore Purandare. ...Applicants

V/s.

State of Maharashtra. ...Respondent

Shri S.P. Thorat for Applicants.
Ms.S.D. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 8, 2006

P.C. :-

. Heard learned Counsel for the applicants and learned APP for the State.

. The applicants were arrested in connection with an offence which is registered with the Chaturshringi Police Station, Pune, vide C.R.No.425/2005 for the offence punishable under Sections 406, 420, 367, 468 read with Section 34 of the IPC.

2. It is the prosecution case that original accused nos.1 to 3 alongwith the present applicants who are original accused nos.4 and 5 represented to various persons that if they pay certain amounts to them, they

would secure job for those persons at the Airport. It is alleged that on these representations, huge amounts were collected by original accused nos.1 to 3. However, from the entire amount which was collected, original accused nos.1 to 3 gave certain amount to the present applicants with a direction to deposit the said amount in a fictitious bank account. It is alleged that the bank account was opened in a fictitious name by the present applicants and the money was deposited and was withdrawn and the amount was misappropriated by the present applicants.

3. Learned Counsel for the applicants submitted that in the present case, one of the main accused Shri Sartape has been released on bail and so far as the present applicants are concerned, they are not concerned in any way to the representation made to the people by accused nos.1 to 3.

4. Learned APP appearing on behalf of the State vehemently opposed the application for grant of bail on the ground that the applicants were the key-conspirators

with the main accused which was evident from the fact that they had opened bank account in a fictitious name and certain amounts were deposited in the said bank. It is submitted that looking to the seriousness of the said offence, this is not a fit case for grant of bail.

5. I have considered the submissions which are made by the learned Counsel for the applicants and learned APP for the State. So far as the accused Sartape is concerned, he has been released on bail on account of his old age. So far as the present applicants are concerned, it appears from the prima facie material which has been shown to me that they had acted as errand boys and the entire representation and collection was made by accused nos.1 to 3. Considering this material, in my view and in view of the fact that the chargesheet has been filed, there is no reason to keep the present applicants in custody for an indefinite period as undertrial prisoners since the trial is not likely to commence and also because the role played by the present two applicants appears to be entirely different from the role played by the main accused nos.1 to 3.

6. In this view of the matter, the applicants be released on bail in the sum of Rs.5000/- each with one or two sureties in the like amount. The applicants shall report to Chaturshringi Police Station once in a week.

. The application is disposed of in the above terms.

(V.M. KANANDE, J.)